



DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Native American Tribal Insignia Database.

Form Number(s): None.

Agency Approval Number: 0651-0048.

Type of Request: Extension of a currently approved collection.

Burden: 3 hours annually.

Number of Respondents: 3 responses per year.

Avg. Hours Per Response: The USPTO estimates that a recognized Native American tribe will require an average of 45 minutes (0.75 hours) to complete a request to record an

official insignia, including time to prepare the appropriate documents and submit the completed request to the USPTO.

Needs and Uses: The Trademark Law Treaty Implementation Act of 1998 (Pub. L. 105-330, 302, 112 Stat. 3071) required the USPTO to study issues surrounding the protection of the official insignia of federally and state-recognized Native American tribes under trademark law. At the direction of Congress, the USPTO created a database containing the official insignia of recognized Native American tribes.

The USPTO database of official tribal insignias provides evidence of what a federally or state-recognized Native American tribe considers to be its official insignia. The database thereby assists trademark examining attorneys in their examination of applications for trademark registration by serving as a reference for determining the registrability of a mark that may falsely suggest a connection to the official insignia of a Native American tribe. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia as a trademark under 15 U.S.C. 1051 *et seq.*

This information collection is used by the USPTO to enter an official insignia submitted by a federally or state-recognized Native American tribe into the database. There are no forms associated with this collection.

Affected Public: Tribal governments.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, e-mail: [Nicholas\\_A.\\_Fraser@omb.eop.gov](mailto:Nicholas_A._Fraser@omb.eop.gov).

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at [www.reginfo.gov](http://www.reginfo.gov).

Paper copies can be obtained by:

- E-mail: [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0048 copy request" in the subject line of the message.
- Mail: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL

REGISTER] to Nicholas A. Fraser, OMB Desk Officer, via e-mail to Nicholas\_A.\_Fraser@omb.eop.gov, or by fax to 202-395-5167, marked to the attention of Nicholas A. Fraser.

Dated: January 23, 2014.

Susan K. Fawcett,  
Records Officer, USPTO,  
Office of the Chief Information Officer.  
BILLING CODE: 3510-16-P

[FR Doc. 2014-01522 Filed 01/27/2014 at 8:45 am; Publication  
Date: 01/28/2014]